

**TOWN OF GRANBY
PLANNING AND ZONING COMMISSION
August 24, 2021
SPECIAL MEETING MINUTES**

Present: Mark Lockwood, Margaret Chapple, Christine Chinni, Eric Lukingbeal, Eric Myers, Brennan Sheahan. Also present: alternate, Matthew Peters; Abigail Kenyon, Director of Community Development

Call to Order

M. Lockwood called the meeting to order at 7:00 PM.

Seating of Alternates

M. Peters was seated for J. Boardman

Public Hearings

Application seeking an amendment to Zoning Regulations Section 8.30 Temporary and Limited Moratorium on Cannabis Establishments. File Z-17-21.

A. Kenyon stated in response to legislation that went into effect July 1, 2021 regarding recreational cannabis establishments, it is recommended the Planning and Zoning Commission consider the adoption of a cannabis establishment moratorium to allow time to consider whether such establishments should be prohibited or regulated. Under the recreational cannabis legislation, a town may either prohibit a cannabis establishment or establish certain restrictions, including hours of operation, proximity to schools, churches, and other uses. Unless regulations are adopted or the use is prohibited, cannabis establishments must be approved in the same way similar uses would be approved. If a retail establishment is allowed by right in a particular zone, so would a retail cannabis establishment. It should be noted, based on population, Granby could have one micro-cultivator and one retail cannabis establishment.

A. Kenyon stated an amendment to Zoning Regulations Section 8.30 was prepared by the Town Attorney for the Commission's consideration. During this temporary moratorium, cannabis establishments shall be prohibited in the Town of Granby and any and all applications submitted for the approval of any cannabis establishment shall be denied by the Planning and Zoning Commission or Zoning Enforcement Officer, as may be appropriate. This temporary and limited moratorium shall become effective on August 31, 2021 and shall remain in effect until August 31, 2022.

The public hearing opened at 7:03 PM. There were no comments.
The public hearing closed at 7:04 PM.

Application seeking an amendment to Zoning Regulations Section 8.3 Alcoholic Beverages to clarify the types of liquor permits that may be issued following Special Permit approval. File Z-16-21.

A. Kenyon stated the State of Connecticut recently changed its liquor permits, reclassifying several permit types. In response to these changes, it is recommended the Commission amend its regulations. Specifically, the proposed regulation removes reference to specific types of liquor permits that may be granted and states Special Permit approval is required for the sale of any alcoholic beverage. Section 8.3 was modified for Commission's consideration to read as follows:

Section 8.3 Alcoholic Beverages

The sale of alcoholic beverages in conjunction with a permitted or Special Permit use in the underlying zone, requires Special Permit approval, except as provided in Section 8.3.1. The Commission shall review all such applications and apply the requirements of Section 8.2 in determining its approval or denial.

8.3.2 The provisions of this Section shall not be deemed to be retroactive except that any building or premises legally in use for the sale of alcoholic liquors in contravention of this Section, which is not used for such non-conforming use for a period of six (6) months, shall thereafter conform to these Regulations.

8.3.1 The Zoning Enforcement Officer shall review and decide on temporary or limited sale of alcoholic beverages without Special Permit approval for any applications under Section 2.

M. Lockwood pointed out the numbering needs to be corrected. A. Kenyon will correct.

The public hearing opened at 7:07 PM. There were no comments.

The public hearing closed at 7:07 PM.

Receive applications and set public hearing

Application seeking a site plan modification to construct a maintenance garage, pool, bathroom and associated improvements for property located at 2 and 3 Murtha's Way, The Grand, T1 and PDM Zones. File Z-19-21.

Application seeking a Special Permit and site plan modification under Zoning Regulations 3.5.4.3 for small engine repair service with outside storage, for property located at 369 North Granby Road, C2 Zone. File Z-20-21.

The above applications are set for Public Hearing on September 14, 2021.

Consideration of the above applications, where the Commission has concluded the public hearing

Application seeking an amendment to Zoning Regulations Section 8.30 Temporary and Limited Moratorium on Cannabis Establishments. File Z-17-21.

ON A MOTION by E. Lukingbeal and seconded by E. Myers the Commission voted (7-0-0) to approve an application seeking an amendment to Zoning Regulations Section 8.30 Temporary and Limited Moratorium on Cannabis Establishments. File Z-17-21.

Application seeking an amendment to Zoning Regulations Section 8.3 Alcoholic Beverages to clarify the types of liquor permits that may be issued following Special Permit approval. File Z-16-21.

ON A MOTION by C. Chinni and seconded by E. Myers the Commission voted (7-0-0) to approve an application seeking an amendment to Zoning Regulations Section 8.3 Alcoholic Beverages to clarify the types of liquor permits that may be issued following Special Permit approval subject to correcting the numbering. File Z-16-21.

Consideration of an application seeking a 1-lot re-subdivision to create one additional building lot, for property located at 33 Moose Horn Road, R2A Zone. File P-5-21. (Public hearing closed July 27, 2021)

A. Kenyon stated the Commission closed the public hearing on the subject application at their meeting on July 27, 2021. After considering the testimony that was presented, staff was asked to prepare a list of considerations for review. She read each consideration.

1. The mylars shall not be executed and filed until such time that a cash bond, which guarantees completion of all required improvements, is submitted to the Town. The required improvements include the costs for the private street, drainage, and associated improvements. A licensed Professional Engineer shall prepare an estimate containing the type, estimated quantities, and costs of labor and materials needed to complete the required improvements. This shall be submitted for review and approval by the Town Engineer.
2. The mylars shall not be executed and filed until such time that a security agreement for the shared driveway and associated improvements shall be filed on the land records.
3. The applicant shall pay a fee in lieu of open space as outlined in Section 3.1.3, as proposed. Prior to filing the mylars, the applicant shall either submit the fee in lieu of open space to the Town or file a document on the Land Records that requires the payment of the fee in lieu of open space at such time as the lots are sold. The fee in lieu of open space is \$14,454 or \$7,227 per lot.
4. The mylars shall not be executed and filed until such time that all easements and the written agreement which provides for the permanent, cooperative, maintenance of the private street, by the owners of the lots that are served by the private street, are signed and filed on the Land Records.
5. Compliance with Fire Marshal comments on the memo dated July 26, 2021 which states the shared driveway shall be capable of supporting a vehicle load limit of 90,000 lbs., maximum 13% grade, designed for an all-weather driving surface, and shall have 13.5 feet of unobstructed vertical clearance, is required.
6. The homes on lots 31 and 33 shall have individual residential fire sprinklers, including the garage.
7. A cash bond is required to guarantee the installation and maintenance of the soil erosion and sedimentation plan as required under Subdivision Regulations Section 6.0.
8. Prior to finalizing the mylars, the plans shall be modified to show a 20' wide fire vehicle turnaround, to be reviewed and approved by the Fire Marshal.
9. Prior to finalizing the mylars, minor additions and corrections shall be made to the plans in accordance with the Town Engineer memo dated July 26, 2021.
10. Prior to finalizing the mylars, the plans shall be modified to show the shared driveway cross-section, private street cross-section, and stone check dams, and location of mailboxes, to be reviewed and approved by Town Staff.

ON A MOTION by E. Lukingbeal and seconded by C. Chinni the Commission voted (6-0-1) to approve an application seeking a 1-lot re-subdivision to create one additional building lot, for property located at 33 Moose Horn Road, R2A Zone, File P-5-21, subject to adherence to all ten (10) conditions outlined in the memorandum dated August 17, 2021 from Abby Kenyon to the Planning

and Zoning Commission with a modification to condition number one (1) to clarify the licensed professional engineer is to be hired by the applicant. M. Lockwood abstained.

Staff Report and Correspondence

A. Kenyon reported an application seeking a site plan modification under Zoning Regulations 4.2.13, minor changes to parking and dumpster location, for property located at 12 East Granby Road, CC Zone was approved by staff on July 28, 2021. She stated this is the Westfield Bank property. They have changed their parking configuration to angled parking and shifted the dumpster location.

Commissioner Reports and Correspondence

A Commissioner noted a home on West Granby Road, which is slated to be knocked down, is being used by the fire department for practice.

Adjourn

ON A MOTION by E. Lukingbeal seconded by M. Chapple the Commission voted unanimously (7-0-0) to adjourn the meeting.

The meeting adjourned at 7:22 PM.

Respectfully submitted,



Patricia Tappenden
Recording Secretary